

OPINION
57-20

March 13, 1957 (OPINION)

CITIES

RE: Consolidation of Fire and Police Departments

We have been asked to render an opinion on the question of whether a city may "consolidate" its police and fire departments.

We find nothing in the code which deals with this problem specifically, but there are statutes which seem to authorize the procedure being contemplated. Thus section 40-1005 of the N.D.R.C. of 1943 (1953 Supplement) provides:

"The governing body shall have in addition to their powers granted by law the following powers:

2. It may be ordinance establish, change and abolish offices, departments and agencies, other than those required by law, and may add to or take away from the duties of the various offices, departments and agencies."

Section 40-1505 provides, in effect, that the board of city commissioners may dispense with any appointive office and provide that the duties thereof shall be performed by other offices and boards.

In view of these statutes it is our opinion that a city does have the authority to carry out the consolidation being contemplated.

We might mention, however, that collateral problems will probably arise if such a consolidation is carried out. For example, both policemen and firemen have pension plans. If one person is serving as both policeman and a fireman the question of whether he was entitled to one or both of the pensions could arise. Insurance coverage might also become complicated. Of course, examples such as these are not legal objections to the consolidation itself and we merely point them out as some of the things that should be taken into consideration before a consolidation such as the one being contemplated is carried out.

LESLIE R. BURGUM

Attorney General